

INTRODUCTION:

In accordance with the foregoing, claims 24, 26-29, 31-33, and 36-41 have been amended to correct the numbering of dependencies of dependent claims 24, 26-29, 31-33, and 36-41, and claim 34 has been cancelled without prejudice or disclaimer. Applicants thank the Examiner for pointing out the typographical errors. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-33 and 35-41 are pending and under consideration.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I (claims 1-12, 21-33 and 35-41 (claim 34 has been cancelled))** in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II is concerned, it is believed that claims 13-20 are so closely related to elected claims 1-12, 21-33 and 35-41 that they should remain in the same application. The elected claims 1-12, 21-33 and 35-41 are drawn to an organophotoreceptor and devices containing the organophotoreceptor, and claims 13-20 are directed to an electrophotographic imaging process. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing claims 1-12, 21-33 and 35-41 and claims 13-20 in the same field of technology. While it is noted that the Examiner has identified different classifications for the organophotoreceptor and devices containing the organophotoreceptor, and the an electrophotographic imaging process, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of the two sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Groups I and II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden

if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the Group I claims are directed to an organophotoreceptor and devices containing the organophotoreceptor and the Group II claims are directed to an electrophotographic imaging process, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

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